

senators and delegates to the general assembly on another sheet; all votes for county or city officers on another sheet; and all votes for any other officers on a separate and appropriate sheet; all votes for or against any proposition which may be submitted to a vote of the people on another sheet.

Canvassers may not reject returns from a precinct because the seals and strips of paper on the ballot boxes have been torn, broken and virtually destroyed. The canvassers, as such, have no right to have ballot boxes before them; they should be in custody of clerk. Powers conferred on canvassers are wholly different from those conferred on same individuals as supervisors; duties of former are purely ministerial. *Canvassers of Election v. Noll*, 127 Md. 301. And see *Price v. Ashburn*, 122 Md. 524.

This section referred to in construing sec. 241—see notes thereto. *Usilton v. Bramble*, 117 Md. 13.

Cited but not construed in *Dorsey v. Ennis*, 167 Md. 450.

See notes to sec. 128.

An. Code, 1924, sec. 91. 1912, sec. 83. 1904, sec. 81. 1896, ch. 202, sec. 76. 1939, ch. 671.

**127.** The said Board of Canvassers shall then transmit the said statements made by them, attested by the signature of their chairman and secretary, to the clerk of the circuit court for the county or to the clerk of the Superior Court of Baltimore City, as the case may be, who shall enter the same of record, provided that in all elections where votes have been cast for candidates for any county offices by the "writing in" of such candidates names on the ballots, it shall not be necessary for the Board of Canvassers to transmit a statement of returns as to such "write in" candidates except as to those "write in" candidates whose votes shall amount to at least one per centum of the total votes cast for the office for which such person is a candidate, unless the total number of votes cast for such "write in" candidate shall constitute a plurality of all votes cast for candidates for such office, in which event a statement of returns shall be transmitted by said Board. In case of all elections of Presidential electors, Representatives in Congress, Senators and Delegates to the General Assembly and of other State officers except Governor or State's Attorney, the said clerk shall prepare three certified copies under his seal of office of said statements and certificates. Within five days after the adjournment of the Board of Canvassers the said clerk shall deposit the said certified copies in the nearest postoffice, addressed respectively to the Governor, to the Secretary of State and to the Treasurer. The statement of the votes for Governor after being recorded shall be transmitted by the clerk to the Secretary of State, as provided in the constitution. The said clerk shall make out and deliver to each person having the highest number of votes for the several county and city offices a certificate of election on his application. The said Canvassing Board shall also make a statement of the whole number of votes given in each precinct and county or city, with the names of the candidates and the number of votes given for each in tabular form, and shall cause a copy of such statement to be forthwith published in one or more of the newspapers printed in the county or in the City of Baltimore; provided, such official statement be so published without charge.

Cited but not construed in *Dorsey v. Ennis*, 167 Md. 450.

This section referred to in construing sec. 241—see notes thereto. *Usilton v. Bramble*, 117 Md. 13.

See notes to sec. 126.

An. Code, 1924, sec. 92. 1912, sec. 84. 1904, sec. 82. 1896, ch. 202, sec. 77.

**128.** In the canvass of votes by the canvassing board for the city or county herein provided said board shall, unless otherwise provided in the constitution of this State, declare who is elected to any city or county office or to any office voted for only within the territory of such city or county.